

Attorney Docket No.: UMD-0103
Inventors: Ira B. Black
Serial No.: 10/533,355
Filing Date: August 1, 2005
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REMARKS

Claims 1-4 are pending in this application. No new matter has been added. Applicant is respectfully requesting reconsideration of the restriction requirement in view of the following remarks.

Applicant's arguments filed January 29, 2008 have been acknowledged, but are suggested to be unpersuasive with respect to the search and examination together of Groups II and III. In addition, the Examiner has now restricted Group II into 13 separate groups and is requiring Applicant to elect a SEQ ID NO: from 1-13 for which gene product is to be assayed in order to identify an agent in the method of Group II. It is alleged that PCT Rule 13 does not provide for multiple products or methods within a single application and therefore Applicant is required to elect a single SEQ ID NO: to be examined.

Applicant respectfully disagrees and traverses this restriction requirement. Specifically, Applicant respectfully disagrees with the Examiner's assertion that PCT Rule 13 does not provide for multiple products or methods within a single application. PCT Rule 13.1 states

"The international application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept ("requirement of unity of invention")." {emphasis added} See MPEP 1850.

Furthermore, under PCT Rule 13.2, where a group of inventions is claimed in one and the same international application, the requirement of unity of invention referred to in Rule 13.1 shall be fulfilled when there is a technical relationship among those inventions involving one or more of the

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same or corresponding special technical features. The expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art.

While the Examiner asserts that "Group II actually encompasses 13 separate methods that alternatively measure separate and distinct 'activation' responses, which involve separate and distinct transcription factors, receptors, neuroproteins, etc.," the Examiner has not established that Group II lacks a special technical feature and therefore lacks unity of invention under PCT Rule 13.1. In contrast, Applicant has demonstrated that the activation of the sequences set forth in SEQ ID NOS:1-13 contributes to synaptic growth and plasticity. Accordingly, elected Group II meets the requirement under PCT Rule 13.2 by providing a special technical feature, thereby satisfying unity of invention under PCT Rule 13.1. Indeed, claims 1-4, including SEQ ID NOS:1-13, were considered to have unity of invention and were searched in the corresponding PCT application. See the International Search Report dated June 27, 2007.

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Therefore, these claims have already been searched and reconsideration of this restriction requirement is respectfully requested.

Respectfully submitted,



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